

R512. Human Services, Child and Family Services.**R512-302. Out of Home Services, Responsibilities Pertaining to an Out of Home Caregiver.****R512-302-1. Purpose and Authority.**

- A. The purposes of this rule are to clarify:
 - 1. Qualification, selection, payment criteria, and roles and responsibilities of a caregiver while a child is receiving out of home services, and
 - 2. Roles and responsibilities of the Division to a caregiver for a child receiving out of home services in accordance with R512-300.
- B. Sections 62A-4a-105 and 62A-4a-106 authorize the Division to provide out-of-home services and 42 USC Section 472 authorizes federal foster care. 42 USC Section 472 (2000), and 45 CFR Parts 1355 and 1356 (2000) are incorporated by reference.

R512-302-2. Definitions.

In addition to definitions in Section R512-300-2, the following terms are defined for the purposes of this rule:

- A. Caregiver means a licensed resource family, also known as a licensed foster family, and may also include a licensed kin provider. Caregiver does not include a group home or residential facility that provides out of home services under contract with the Division.
- B. Out of Home Services means those services described in Rule R512-300.

R512-302-3. Qualifying as a Caregiver for a Child Receiving Out of Home Services.

A. An individual or couple shall be licensed by the Office of Licensing as provided in Rule R501-12 to qualify as a caregiver for a child receiving out of home services. After initial licensure, the caregiver shall take all steps necessary for timely licensure renewal to ensure that the license does not lapse.

B. The Division or contract provider shall provide pre-service training required in Section R501-12-5 after the provider has held an initial consultation with the individual or couple to clearly delineate duties of caregivers.

C. The curriculum for pre-service and in-service training shall be developed by the contract provider and approved by the Division according to the Division's contract with the provider.

D. The Division or contract provider shall verify in writing a caregiver's completion of training required for licensure as provided in Section R501-12-5.

E. The Division or contract provider shall also verify in writing a caregiver's completion of supplemental training required for serving children with more difficult needs.

F. Once a license is issued, the caregiver's name and identifying information may be shared with the court, assistant attorney general, guardian ad litem, foster parent training contract provider, resource family cluster group, foster parent associations, the Department of Health, the Foster Care Citizen Review Board, and the child's primary health care providers.

R512-302-4. Selection of a Caregiver for a Child Receiving Out of Home Services.

A. A caregiver shall have the experience, personal characteristics, temperament, and training necessary to work with a child and the child's family to be approved and selected to provide out of home services.

B. An out-of-home caregiver shall be selected according to the caregiver's skills and abilities to meet a child's individual needs and, when appropriate, an ability to support both parents in reunification efforts and to consider serving as a permanent home for the child if reunification is not achieved. When dictated by a child's level of care needs, the Division may require one parent to be available in the home at all times.

C. A child in agency custody shall be placed with an out of home caregiver who is fully licensed as provided in Rule R501-12. A child may be placed in a home that is conditionally licensed only if the out of home caregiver is a kinship placement.

D. An out of home caregiver shall be given necessary information to make an informed decision about accepting responsibility to care for a child. The worker shall obtain all available necessary information about the child's permanency plan, family visitation plans, and needs such as medical, educational, mental health, social, behavioral, and emotional needs, for consideration by the caregiver.

E. If the court has not given custody to a non-custodial parent or kin provider, to provide safety and maintain family ties, the child shall be placed in the least restrictive placement that meets the child's special needs and is in the child's best interests, according to the following priorities:

1. With siblings.
2. In the home of licensed kin.
3. With a licensed caregiver, group, or residential provider within reasonable proximity to the child's family and community, if the goal is reunification.
4. With a licensed caregiver, group, or residential provider not in reasonable proximity to the child's family and community.

F. If a child is reentering custody of the Division, the child's former out of home caregiver shall be given preference as provided in Section 62A-4a-206.1.

G. A child's placement shall not be denied or delayed on the basis of race, color, or national origin of the out of home caregiver or the child involved.

H. Selection of a out of home caregiver for an Indian child shall be made in compliance with the Indian Child Welfare Act, 25 USC Section 1915, which is incorporated by reference.

R512-302-5. Division Roles and Responsibilities to a Caregiver for a Child Receiving Out of Home Services.

A. The Division shall actively seek the involvement of the caregiver in the child and family team process, including participation in the child and family team, completing an assessment, and developing the child and family plan as described in Section R512-300-4.

B. The child and family plan shall include steps for monitoring the placement and a plan for worker visitation and supports to the out of home caregiver for a child placed in Utah or out of state.

C. In accordance with Section 62A-4a-205, additional weight and attention shall be given to the input of the child's caregiver in plan development.

D. The caregiver shall be provided a copy of the completed child and family plan.

E. The caregiver has a right to reasonable notice and may participate in court and administrative reviews for the child in accordance with 42 USC Section 475(5) and Sections 78-3a-309 and 78-3a-314.

F. The Division shall provide support to the caregiver to ensure that the child's needs are met, and to prevent unnecessary placement disruption.

G. Options for temporary relief may include paid respite, non-paid respite, childcare, and babysitting.

H. The worker shall provide the caregiver with a portable, permanent record that provides available educational, social, and medical history information for the child and that preserves vital information about the child's life events and activities while receiving out of home services.

R512-302-6. Roles and Responsibilities of a Caregiver of a Child Receiving Out of Home Services.

A. An out of home caregiver shall be responsible to provide daily care, supervision, protection and experiences that enhance the child's development as provided in a written agreement entered into with the Division and the child and family plan.

B. The caregiver shall be responsible to:

1. Participate in the child and family team process.
2. Provide input into the assessment and child and family plan development process.
3. Complete goals and objectives of the plan relevant to the caregiver.
4. Promptly communicate with the worker the child's progress and concerns and progress in completing the plan or regarding problems in meeting specified goals or objectives in advance of proposed completion time frames.
5. Support and assist with parental visitation

C. The caregiver shall document individualized services provided for the child, when required, such as skills development or transportation.

D. The caregiver shall maintain and update the child's portable, permanent record to preserve vital information about the child's life events, activities, health, social, and educational history while receiving out of home services. The caregiver shall share relevant health and educational information during visits with appropriate health care and educational providers to ensure continuity of care for the child.

R512-302-7. Payment Criteria for a Caregiver of a Child Receiving Out of Home Services.

A. An out of home caregiver shall receive payments according to the rate established for the child's need level, not upon the highest level of service the caregiver has been trained to provide.

B. The daily rate for the monthly foster care maintenance payment provides for the child's board and room, care and supervision, basic clothing and personal incidentals, and may also include a supplemental daily payment based upon a child's medical need or to assist with care of a youth's child while residing with the youth in an out of home placement. Foster care maintenance may also include periodic one-time payments for special needs such as an initial clothing allowance, additional needs for a baby, additional clothing, gifts, lessons or equipment, recreation, non-tuition school expenses, and other needs recommended by the child and family team and approved by the Division.

C. A caregiver may also be reimbursed for transporting a foster child for visitation with a parent or siblings, to participate in case activities such as child and family team meetings and reviews, and for transporting the child to activities beyond those normally required for a family. The caregiver must document all mileage on a form provided by the Division.

D. The caregiver shall submit required documentation to receive payments for care or reimbursement for costs.

R512-302-8. Child Abuse Reporting and Investigation of a Caregiver Providing Out of Home Services.

A. Investigation of any report or allegation of abuse or neglect of a child that allegedly occurs while the child is living with an out of home caregiver shall be investigated by a contract agency or law enforcement as provided in Section 62A-4a-202.5.

R512-302-9. Removal of a Child from a Caregiver Providing Out of Home Services.

A. Removal of a child from a caregiver shall occur as provided in Section 62A-4a-206 and Rule R512-31.

child welfare

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